

### **REMARKS**

These remarks and the accompanying amendment are responsive to the Office Action dated July 9, 2004 (hereinafter referred to as the "Office Action"), having a shortened statutory period for response that expires October 11, 2004. At the time of the last examination Claims 1-17 were pending for consideration. The Office Action rejects Claims 1-17. By this amendment, Claims 1-16 are currently amended, and Claim 17 is cancelled, leaving Claims 1-16 for further consideration. The applicants respectfully request reconsideration of the rejection of Claims 1-16 in light of the amendments to the claims and the following remarks.

Section 1 of the Office Action rejects Claim 14 and 15 under 35 U.S.C. 112, second paragraph, as being indefinite. Claims 14 and 15 are amended herein so as to clarify, thereby overcoming this rejection.

Section 3 of the Office Action rejects Claims 1, 2, 8, 9 and 15 under 35 U.S.C. 102(e) as being anticipated by United States patent number 6,449,494 issued to Cashman (hereinafter referred to simply as "Cashman"). Of these claims, Claims 1 and 8 are independent.

Cashman describes an AMPS system and CDPD system. An AMPS system provides only audio communication service while a CDPD system provides only packet communication service. The mobile terminal described by Cashman can access both of AMPS and CDPD systems. When audio communication occurs that is addressed to a mobile terminal, an AMPS system transmits an AMPS system-specific paging signal to the mobile terminal. In addition, when a packet occurs addressed to the mobile terminal, a CDPD system transmits a CDPD system-specific paging signal to the mobile terminal.

Importantly, the mobile terminal alternately connects to the AMPS system and the CDPD system at predetermined intervals and monitors the paging signal. Upon receipt of a paging

signal from the AMPS system, the mobile terminal initiates audio communication via the AMPS system. Upon receipt of a paging signal from the CDPD system, a mobile terminal initiates packet communication via the CDPD system. For any given form of communication, there is thus just one paging signal, and the various communication systems are not integrated by a gateway that requests that all of the communication systems send a paging signal in response to a single downlink signal.

In stark contrast, Claims 1 and 8 (as amended) recite that a gateway requests in Claim 1 (or a communication control means requests in Claim 8) "that **each** of the plurality of communication systems transmit a paging signal to the terminal when the gateway is to transmit a downlink signal to the terminal" (emphasis added). As recited in Claim 1, **each** of said plurality of communication systems then transmits the paging signal to the terminal. Then, the terminal selects "a desired communication system for use in receiving the downlink signal, said desired communication system being selected from said plurality of communication systems in accordance with information contained in the plurality of received paging signals." Accordingly, Claims 1 and 8 (as amended) are not anticipated by Cashman.

Claims 2 and 9 depend from respective independent Claims 1 and 8, and thus are patentable at least based on dependency from their respective independent claims. Claim 15 is amended to depend only from Claim 10, which was not rejected as being anticipated by Cashman. Accordingly, Claims 1, 2, 8, 9 and 15 (as amended) are not anticipated by Cashman. Withdrawal of the 35 U.S.C. 102(e) rejection of Claims 1, 2, 8, 9 and 15 is thus respectfully requested.

Section 4 of the Office Action rejects Claims 3-7 and 10-17 under 35 U.S.C. 102(e) as being anticipated by United States patent number 5,920,821 issued to Seaholtz et al. (hereinafter

referred to simply as "Seaholtz"). Of these claims, Claims 3, 10 and 16 are independent, and Claim 17 is cancelled.

Seaholtz discloses a radio telephone subscriber unit which selects a system identification number (SID) based upon a comparison of the generated SID list received by the radio telephone subscriber unit and a list of preferred SIDs stored in the radio telephone subscriber unit. Additionally, Seaholtz discloses that GMSK modulation techniques used for CDPD communication is explicitly selected with the intent of obtaining both very high bit transmission rates and good error performance in cellular channels, and the higher priority assigned to cellular communications due to cost and reliability.

However, Seaholtz does not disclose or suggest the following feature recited in Claims 3 and 10: "transmitting a selection criteria for a communication system the terminal wishes to use to receive downlink signals, and of transmitting terminal location information to the paging agent" and the paging agent (or registering means) "registering the received the selection criteria and the terminal location information" where "the selection criteria includes one or more of a communication cost, a transmission rate, a transmission quality" and the paging agent (or selecting means) "selecting a communication system from among the plurality of communication systems in accordance with the registered the selection criteria and the terminal location information." Therefore Claims 3 and 10 are not anticipated by Seaholtz.

Claims 4 through 7 are dependent from Claim 3, and are thus not anticipated by Seaholtz for at least the reasons provided for Claim 3. Furthermore, Claims 11 through 15 depend from Claim 10, and are thus not anticipated by Seaholtz for at least the reasons provided for Claim 10. Claim 16 depends from Claims 1 through 7. Since Claims 1 through 7 are not anticipated by

Seaholtz, Claim 16 is likewise not anticipated by Seaholtz. Accordingly, withdrawal of the 35 U.S.C. 102(e) rejection of Claims 3-7 and 10-16 is respectfully requested.

Section 5 of the Office Action rejects Claims 7 and 14 under 35 U.S.C. 103(a) as being unpatentable over Cashman in view of Seaholtz. Cashman discloses a wireless subscriber station which includes means for determining respective CDPD and first communication operation schedules for the subscriber station based upon the first and second time intervals and a paging cycle of the first communication system. However, Cashman and Seaholtz do not disclose or suggest that a terminal transmit selection criteria to a paging agent, wherein the "selection criteria includes one or more of a communication cost, a transmission rate, and a transmission quantity" as recited in corresponding independent Claims 3 and 10. Thus, Claims 7 and 14 are not obvious over even the combination of Cashman and Seaholtz.<sup>1</sup> Withdrawal of the 35 U.S.C. 103(a) rejection is thus respectfully requested.

Accordingly, favorable action is respectfully requested. In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

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<sup>1</sup> Since even the combination of Cashman and Seaholtz does not teach or suggest all of the features of the rejected claims, it is not necessary at this time to argue against the combination itself. The applicants reserve the right to argue against the combination should this argument become necessary in the future.

Dated this 8<sup>th</sup> day of October, 2004.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'AJL', written in a cursive style.

Adrian J. Lee  
Registration No. 42,785  
Attorney for Applicant  
Customer No. 022913

AJL:ds  
DS0000002598V001